

REMARKS

The present Amendment is in response to the Examiner's Final Office Action mailed December 24, 2008. Claims 1, 12, and 21 are amended, claims 7-8, 14-15, and 22 are canceled. Claims 1, 3, 5, 9-13, 16, 17, 21, and 23-25 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. Examiner's Interview

On January 26, 2009, Applicant's attorney conducted a telephone interview with the Examiner. Applicant's attorney suggested that claims 12 and 21 would still distinguish over the cited references if language added by the previous amendment was omitted. The Examiner indicated that omitting this language would require reevaluation of the finding of allowability.

II. Allowed Subject Matter

The Examiner has indicated that claims 8-11, 15-17, 22, 24, and 25 would be allowable if written in independent form including their base claim and any intervening claims. By this amendment claim 1 has been amended to include the elements of claims 7 and 8, claim 12 has been amended to include the elements of claims 14 and 15, claim 21 has been amended to include the elements of claim 22. Claims 1, 12, and 21 are therefore believed to be in condition for allowance. Applicant notes that the elements added in the previous response have been removed from claims 1, 12, and 21. However, the claims are still believed to be allowable.

III. REJECTION UNDER 35 U.S.C. § 102

The Examiner rejected claims 1, 3, 5, and 7 under 35 U.S.C. §102(e)¹ in view of *Sakaguchi* (U.S. Publication No. 2003/0164992). Applicant respectfully asserts that the cited reference fails to anticipate the claims. In particular Applicant disagrees with the Examiner's characterization of the reference with respect to the claims. However, in order to expedite issuance of a patent directed to subject matter found allowable by the Examiner, claim 1 has been amended to incorporate the elements of claims 7 and 8, rendering the rejection moot.

IV. REJECTION UNDER 35 U.S.C. § 103

The Examiner rejected claims 12-14, 21, and 23 under 35 U.S.C. § 103 in view as being anticipated by *Sakaguchi* (U.S. Publication No. 2003/0164992) and Applicant's Admitted Prior Art (AAPA) Applicant respectfully asserts that the cited reference and AAPA fails to render the claims obvious. In particular Applicant disagrees with the Examiner's characterization of the references and the AAPA with respect to the claims. However, in order to expedite issuance of a patent directed to subject matter found allowable by the Examiner, claim 12 has been amended to incorporate the allowable subject matter of claims 14 and 15 and claim 21 has been amended to incorporate the elements of claims 22, rendering the rejection moot.

CONCLUSION

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise

been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 24th day of March, 2009.

Respectfully submitted,

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¹ Because *Sakaguchi* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Sakaguchi* is in fact prior art to the claims but reserve the right to swear behind *Sakaguchi* if necessary to remove it as a reference.